

Senate File 333 - Introduced

SENATE FILE 333

BY ERNST

A BILL FOR

1 An Act establishing a civil cause of action for physical injury
2 or emotional distress resulting from an abortion.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **686.1 Cause of action — abortion**
2 **resulting in physical injury or emotional distress.**

3 1. A woman upon whom an abortion has been performed may
4 maintain a cause of action against the physician who performed
5 the abortion to recover damages for any physical injury or
6 emotional distress, whether or not independent of the physical
7 injury, proximately caused as the result of the physician's
8 negligence or failure to obtain informed consent prior to
9 performance of the abortion.

10 2. Notwithstanding any law to the contrary regarding
11 limitations of actions, an action under this section may be
12 brought at any time during the lifetime of the woman.

13 3. The signing of a consent form by the woman prior to the
14 abortion shall not negate the cause of action, but may reduce
15 the recovery of damages to the extent that the content of the
16 consent form informed the woman of the risk of the type of
17 injuries for which the woman is seeking damages.

18 4. This section shall not be construed to render any other
19 statutory or common law cause of action for medical malpractice
20 otherwise available inapplicable to abortion procedures or
21 diminish the nature or the extent of those causes of action.
22 The cause of action expressly specified in this section is in
23 addition to any other statutory or common law cause of action.

24 5. A cause of action shall not be brought under this section
25 if the abortion was performed due to a medical emergency.

26 6. For the purposes of this section:

27 a. "*Abortion*" means abortion as defined in section 146.1.

28 b. "*Damages*" means all special and general damages which
29 are recoverable in tort for injuries incurred by the woman
30 including but not limited to actual and punitive damages.

31 c. "*Emotional distress*" means a severe, debilitating, and
32 persistent negative emotional or mental reaction including
33 but not limited to mental anguish, fright, nervousness,
34 grief, anxiety, worry, mortification, shock, humiliation, and
35 indignity, as well as physical pain.

1 distress", "informed consent", and "medical emergency" for the
2 purposes of the bill.